



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8
1595 WYNKOOP STREET
DENVER, CO 80202-1129
Phone 800-227-8917
<http://www.epa.gov/region08>

APR - 8 2013

Ref: 8ENF-W

CERTIFIED MAIL #7009 3410 0000 2592 8383
RETURN RECEIPT REQUESTED

James and Kay Bianco

~~REDACTED ADDRESS~~

Re: Notice of Potential Violation of the
Clean Water Act

Dear Mr. and Mrs. Bianco:

This letter concerns the apparent discharge of dredged and fill material into East Inlet, a tributary to Grand Lake, and its adjacent wetlands on property owned, controlled and/or operated by you in the NW1/4 of section 9, Township 3 North, Range 75 West of Grand County, Colorado (the Site). Based on our review of all information currently in our possession, the United States Environmental Protection Agency (the EPA) has determined that you may be in violation of the Clean Water Act (the CWA). The CWA requires that an authorizing permit be obtained from the United States Army Corps of Engineers (the Corps) prior to the discharge of pollutants (i.e., dredged or fill material) into waters of the United States. See 33 U.S.C. §§ 1311 and 1344. As defined in 40 C.F.R. § 230.3 and 33 C.F.R. § 328.3, waters of the United States include certain surface waters and wetlands.

Specifically, on June 29, 2011, the Corps conducted a site inspection and observed that rock riprap had been placed along approximately 120 linear feet of East Inlet and that approximately 0.17 acre of adjacent palustrine scrub-shrub wetlands had been cleared and filled. These activities apparently were performed without authorization by a permit issued by the Corps and impacted what is believed to be waters of the United States. If this is the case, you are in violation of section 301(a) of the CWA, 33 U.S.C. § 1311(a).

The EPA is in the process of making a final determination as to whether you are in violation of the CWA. The EPA would like to consider any information that you believe demonstrates that the description above is incorrect or that the activities described above do not constitute a violation of the CWA. In order to expedite the review process, please provide such information within 14 days of receipt of this letter to Monica Heimdal, Enforcement Officer, at the address shown above.

If the EPA does make a final determination that you are liable for a CWA violation, the EPA, using its section 309 CWA authority, may issue a unilateral compliance order to you or, if you agree, enter into an administrative order on consent (AOC) with you. In either case, the order would require that you take



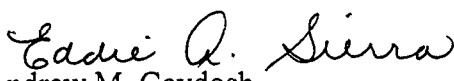
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steps to come into compliance with the CWA. If you are interested in negotiating the terms of an AOC with the EPA, please inform either of the EPA contacts listed below of that interest within 21 days of your receipt of this letter. All AOCs must include provisions waiving the right to administrative or judicial review of the AOC under the Administrative Procedure Act and acknowledging the EPA's authority to issue the AOC. However, you need not admit CWA liability in the AOC.

In case this is relevant, a Small Business Regulatory Enforcement and Fairness Act (SBREFA) information sheet containing information on compliance assistance resources and tools available to small businesses is enclosed with this letter. SBREFA does not eliminate your responsibility to comply with the CWA.

We have attempted to contact you several times by telephone in advance of your receipt of this Notice of Potential Violation (NOPV). Unfortunately, we have been unable to reach you or leave a message. We encourage you to contact us to discuss the opportunity to negotiate the terms of an AOC or if you have any questions regarding this NOPV. The most knowledgeable people on my staff for you to contact are Peggy Livingston, Senior Attorney, at 303-312-6858 and Monica Heimdal at 303-312-6359. We appreciate your prompt attention to this matter.

Sincerely,

for 
Andrew M. Gaydosh
Assistant Regional Administrator
Office of Enforcement, Compliance and
Environmental Justice

Enclosure

cc: Susan Bachini Nall, U.S. Army Corps of Engineers

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Street, Apt. or PO Box	1170 Jordan Road	
City, State, .	Grand Lake, CO 80447	

PS Form 3800, August 2006 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

James and Kay Bianco
 P.O. Box 469
 1170 Jordan Road
 Grand Lake, CO 80447

G APR 11 2013

2. Article Number
 (Transfer from service label)

7009 3410 0000 2592 8383

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature
Barbara A Bianco ☐ Agent ☐ Addressee

B. Received by (Printed Name)
BARBARA BIANCO

C. Date of Delivery
APR 11 2013

D. Is delivery address different from item 1?
 If YES, enter delivery address below: ☐ Yes ☒ No

3. Service Type

<input checked="" type="checkbox"/> Certified Mail	<input type="checkbox"/> Express Mail
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<input type="checkbox"/> Insured Mail	<input type="checkbox"/> C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

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- Certified Mail may ONLY be combined with First-Class Mail® or Priority Mail®.
- Certified Mail is *not* available for any class of international mail.
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- For an additional fee, a *Return Receipt* may be requested to provide proof of delivery. To obtain Return Receipt service, please complete and attach a Return Receipt (PS Form 3811) to the article and add applicable postage to cover the fee. Endorse mailpiece "Return Receipt Requested". To receive a fee waiver for a duplicate return receipt, a USPS® postmark on your Certified Mail receipt is required.
- For an additional fee, delivery may be restricted to the addressee or addressee's authorized agent. Advise the clerk or mark the mailpiece with the endorsement "Restricted Delivery".
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IMPORTANT: Save this receipt and present it when making an inquiry.

PS Form 3800, August 2006 (Reverse) PSN 7530-02-000-9047

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EPA United States
Environmental Protection Agency
REGION 8
1595 Wynkoop Street
Denver, CO 80202-1129

RECEIVED

APR 25 2013

ECEJ-AT

Attn: Andrea Pseud. SENE-AT

MH

112995

